

## **Assembly Bill No. 2353**

### **CHAPTER 422**

An act to add and repeal Chapter 7 (commencing with Section 1963) of Division 2.5 of the Streets and Highways Code, and to amend Sections 385.5, 21250, 21251, and 21260 of the Vehicle Code, relating to neighborhood electric vehicles.

[Approved by Governor September 9, 2004. Filed with Secretary of State September 9, 2004.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

**AB 2353, Leslie. Neighborhood Electric Vehicles.**

Existing law defines "low-speed vehicle" for purposes of the Vehicle Code as a motor vehicle, other than a motor truck, with 4 wheels on the ground that is capable of a minimum speed of 20 miles per hour and a maximum speed of 25 miles per hour on a paved level surface and that has an unladen weight of 1800 pounds or less. Existing law imposes certain restrictions on the use of low-speed vehicles on public streets and highways, and generally requires an operator of a low-speed vehicle to have a driver's license. A violation of the Vehicle Code is an infraction, unless otherwise specified.

Existing law authorizes a city or county to establish a golf cart transportation plan subject to the review of the appropriate transportation planning agency and traffic law enforcement agency. Existing law provides that operating a golf cart other than on an authorized roadway is an infraction punishable by a fine not exceeding \$100.

This bill would authorize, until January 1, 2009, the City of Lincoln and the City of Rocklin in the County of Placer to establish a neighborhood electric vehicle (NEV) transportation plan subject to the same review process established for a golf cart transportation plan. The bill would define "neighborhood electric vehicle" for these purposes to have the same meaning as the above definition of "low-speed vehicle." The bill, among other things, would provide for the plan to authorize the use of state highways by NEVs under certain conditions. The bill would require a report to the Legislature by January 1, 2008. The bill would enact other related provisions. Because the bill would revise the definition of a crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

*The people of the State of California do enact as follows:*

SECTION 1. Chapter 7 (commencing with Section 1963) is added to Division 2.5 of the Streets and Highways Code, to read:

CHAPTER 7. NEIGHBORHOOD ELECTRIC VEHICLE TRANSPORTATION  
PLAN

1963. It is the intent of the Legislature, in enacting this chapter, to authorize the City of Lincoln and the City of Rocklin in the County of Placer to establish a neighborhood electric vehicle (NEV) transportation plan for a plan area in the city. It is the further intent of the Legislature that this transportation plan be designed and developed to best serve the functional travel needs of the plan area, to have the physical safety of the NEV driver's person and property as a major planning component, and to have the capacity to accommodate NEV drivers of every legal age and range of skills. It is the intent of the Legislature, in enacting this chapter, to encourage discussions between the Legislature, the Department of Motor Vehicles, and the California Highway Patrol regarding the adoption of a new classification for licensing motorists who use neighborhood electric vehicles.

1963.1. The following definitions apply to this chapter:

(a) "Plan area" means that territory under the jurisdiction of the City of Lincoln or the City of Rocklin designated by the city for a NEV transportation plan, including the privately owned land of any owner that consents to its inclusion in the plan.

(b) "Neighborhood electric vehicle" or "NEV" means a low-speed vehicle as defined by Section 385.5 of the Vehicle Code.

(c) "NEV lanes" means all publicly owned facilities that provide for NEV travel including roadways designated by signs or permanent markings which are shared with pedestrians, bicyclists, and other motorists in the plan area.

(d) "Speed-modified golf cart" means a golf cart that is modified to meet the safety requirements of Section 571.500 of Title 49 of the Code of Federal Regulations.

1963.2. (a) The City of Lincoln and the City of Rocklin may, by ordinance or resolution, adopt a NEV transportation plan.



(b) The transportation plan shall have received a prior review and the comments of the appropriate transportation planning agency designated under subdivision (a) or (b) of Section 29532 of the Government Code and any agency having traffic law enforcement responsibilities in the City of Lincoln or the City of Rocklin.

(c) The transportation plan may include the use of a state highway, or any crossing of the highway, subject to the approval of the Department of Transportation.

1963.3. The transportation plan shall include, but is not limited to, all of the following elements:

(a) Route selection, which includes a finding that the route will accommodate NEVs without an adverse impact upon traffic safety, and will consider, among other things, the travel needs of commuters and other users.

(b) Transportation interfacing, which shall include, but not be limited to, coordination with other modes of transportation so that a NEV driver may employ multiple modes of transportation in reaching a destination in the plan area.

(c) Citizens and community involvement in planning.

(d) Flexibility and coordination with long-range transportation planning.

(e) Provision for NEV related facilities including, but not limited to, special access points and NEV crossings.

(f) Provisions for parking facilities, including, but not limited to, community commercial centers, golf courses, public areas, parks, and other destination locations.

(g) Provisions for special paving, road markings, signage and striping for NEV travel lanes, road crossings, parking, and circulation.

(h) Provisions for NEV electrical charging stations.

(i) NEV lanes for the purposes of the transportation plan shall be classified as follows:

(1) Class I NEV routes provide for a completely separate right-of-way for the use of NEVs.

(2) Class II NEV routes provide for a separate striped lane adjacent to roadways with speed limits of 55 miles per hour or less.

(3) Class III NEV routes provide for shared use by NEVs with conventional vehicle traffic on streets with a posted speed limit of 35 miles per hour or less.

1963.4. If the City of Lincoln or the City of Rocklin adopts a NEV transportation plan, it shall do both of the following:

(a) Establish minimum general design criteria for the development, planning, and construction of separated NEV lanes, including, but not



limited to, the design speed of the facility, the space requirements of the NEV, and roadway design criteria.

(b) In cooperation with the department, establish uniform specifications and symbols for signs, markers, and traffic control devices to control NEV traffic; to warn of dangerous conditions, obstacles, or hazards; to designate the right-of-way as between NEVs, other vehicles, and bicycles; to state the nature and destination of the NEV lane; and to warn pedestrians, bicyclists, and motorists of the presence of NEV traffic.

1963.5. If the City of Lincoln or the City of Rocklin adopts a NEV transportation plan, each city may do the following:

(a) Acquire, by dedication, purchase, or condemnation, real property, including easements or rights-of-way, to establish NEV lanes.

(b) Establish a NEV transportation plan as authorized by this chapter.

1963.6. If the City of Lincoln or the City of Rocklin adopts a NEV transportation plan, each city shall also adopt all of the following as part of the plan:

(a) NEVs eligible to use NEV lanes shall meet the safety requirements for low-speed vehicles as set forth in Section 571.500 of Title 49 of the Code of Federal Regulations.

(b) A permit process for golf carts that requires speed-modified golf carts to meet minimum design criteria adopted pursuant to subdivision (a). The permit process may include, but not be limited to, permit posting, permit renewal, operator education, and other related matters.

(c) Minimum safety criteria for NEV operators, including, but not limited to, requirements relating to NEV maintenance and NEV safety. Operators shall be required to possess a valid California driver's license and to comply with the financial responsibility requirements established pursuant to Chapter 1 (commencing with Section 16000) of Division 7.

(d) (1) Restrictions limiting the operation of NEVs to separated NEV lanes on those roadways identified in the transportation plan, and allowing only those NEVs and speed-modified golf carts that meet the safety equipment requirements specified in the plan to be operated on separated NEV lanes of approved roadways in the plan area.

(2) Any person operating a NEV in the plan area in violation of this subdivision is guilty of an infraction punishable by a fine not exceeding one hundred dollars (\$100).

1963.7. (a) If the City of Lincoln or the City of Rocklin adopts a NEV transportation plan pursuant to this chapter, the cities shall jointly submit a report to the Legislature on or before January 1, 2008, in consultation with the Department of Transportation, the Department of the California Highway Patrol, and local law enforcement agencies.

(b) The report shall include all of the following:



(1) A description of all NEV transportation plans and their elements that have been authorized up to that time.

(2) An evaluation of the effectiveness of the NEV transportation plans, including their impact on traffic flows and safety.

(3) A recommendation as to whether this chapter should be terminated, continued in existence applicable solely to the City of Lincoln and the City of Rocklin in the County of Placer, or expanded statewide.

1963.8. This chapter shall remain in effect only until January 1, 2009, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2009, deletes or extends that date.

SEC. 2. Section 385.5 of the Vehicle Code is amended to read:

385.5. A “low-speed vehicle” is a motor vehicle, other than a motor truck, having four wheels on the ground and an unladen weight of 1,800 pounds or less, that is capable of propelling itself at a minimum speed of 20 miles per hour and a maximum speed of 25 miles per hour, on a paved level surface. For the purposes of this section, a “low-speed vehicle” is not a golf cart, except when operated pursuant to Section 21115 or 21115.1. A “low-speed vehicle” is also known as a “neighborhood electric vehicle.”

SEC. 3. Section 21250 of the Vehicle Code is amended to read:

21250. For the purposes of this article, a low-speed vehicle means a vehicle as defined in Section 385.5. A “low-speed vehicle” is also known as a “neighborhood electric vehicle.”

SEC. 4. Section 21251 of the Vehicle Code is amended to read:

21251. Except as provided in Sections 1963 to 1963.8, inclusive, of the Streets and Highways Code, and Sections 4023, 21115, and 21115.1, a low-speed vehicle is subject to all the provisions applicable to a motor vehicle, and the driver of a low-speed vehicle is subject to all the provisions applicable to the driver of a motor vehicle or other vehicle, when applicable, by this code or any other code, with the exception of those provisions which, by their very nature, can have no application.

SEC. 5. Section 21260 of the Vehicle Code is amended to read:

21260. (a) Except as provided in paragraph (1) of subdivision (b), or in an area where a neighborhood electric vehicle transportation plan has been adopted pursuant to Chapter 7 (commencing with Section 1963) of Division 2.5 of the Streets and Highways Code, the operator of a low-speed vehicle shall not operate the vehicle on any roadway with a speed limit in excess of 35 miles per hour.

(b) (1) The operator of a low-speed vehicle may cross a roadway with a speed limit in excess of 35 miles per hour if the crossing begins and ends on a roadway with a speed limit of 35 miles per hour or less and occurs at an intersection of approximately 90 degrees.



(2) Notwithstanding paragraph (1), the operator of a low-speed vehicle shall not traverse an uncontrolled intersection with any state highway unless that intersection has been approved and authorized by the agency having primary traffic enforcement responsibilities for that crossing by a low-speed vehicle.

SEC. 6. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

